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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 770,289	01 29 2001	Atsushi Shiota	202450US0	6290

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EXAMINER

FEELY, MICHAEL J

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 06 24 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,289

Applicant(s)

SHIOTA ET AL.

Examiner

Michael J Feely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-945)
- 3) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 4) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-945)

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DETAILED ACTION

Claim Objections

1. The objection to claim 3 has been overcome by amendment.

Claim Rejections - 35 USC § 102/103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The rejection of claims 1-7 and 9-15 under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Treadwell et al. (US Pat. No. 6,177,143), stands for the reasons set forth in paragraph 5 of paper #5.

Claim Rejections - 35 USC § 103

4. The rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Treadwell et al. (US Pat. No. 6,177,143), stands for the reasons set forth in paragraph 6 of paper #5.

Allowable Subject Matter

5. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The prior art fails to teach or suggest the process of claim 1, wherein the irradiation dose is from 1 to 200 $\mu\text{C}/\text{cm}^2$. Treadwell et al. teaches a range of about 500 to about 100,000 $\mu\text{C}/\text{cm}^2$.

Response to Amendment

7. The reply filed on May 23, 2002 is not fully responsive because it fails to address the issues made note that the interview took place; however, the substance of the interview was not

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addressed. Applicant failed to discuss the agreement reached between the Examiner and Applicant's representative to further limit claim 1 to include an irradiation dose of from 1 to 200 $\mu\text{C}/\text{cm}^2$.

Response to Arguments

8. Applicant's arguments filed May 23, 2002 have been fully considered but they are not persuasive. Regarding claims 1-15, Applicant argues that although Treadwell et al. disclose a dosage range of about 500 to about 100,000 $\mu\text{C}/\text{cm}^2$, Treadwell et al. fails to suggest the claimed dosage range of from 1 to 500 $\mu\text{C}/\text{cm}^2$ because the examples of Treadwell et al. disclose a minimum electron dose of 6,000 $\mu\text{C}/\text{cm}^2$. The Treadwell et al. reference does not have show experimental results of the entire dosage range to qualify the reference as applicable prior art. Treadwell et al. explicitly disclose a dosage range of about 500 to about 100,000 $\mu\text{C}/\text{cm}^2$ (column 7, lines 22-24). The range overlaps the claimed range; therefore, the rejection stands.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH period, the period for reply to the advisory action will be calculated from the mailing date of the advisory action. In no event,

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Feely whose telephone number is 703-305-0268. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Michael J. Feely
June 20, 2002



Robert A. Dawson
Supervisor, Technical Center
Patent Office